



THE COMMONWEALTH OF MASSACHUSETTS
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May 1, 2002

Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station, Second Floor
Boston, MA 02110

Re: Verizon, D.T.E. 02-8

Dear Secretary Cottrell:

Enclosed for filing please find the Attorney General's Answer to Motion Of AT&T, Sprint, Global NAPs, Covad, Conversent, and Allegiance to Suspend Current Litigation Proceedings and to Establish an Industry Task Force in this proceeding.

Sincerely,

Joseph W. Rogers
Chief, Utilities Division

Enc.

cc: Joan Foster Evans, Hearing Officer (w/enc)
DTE 02-8 Service list (w/enc)
Chairman James Connelly (w/enc)
Commissioner W. Robert Keating (w/enc)
Commissioner Paul B. Vasington (w/enc)
Commissioner Eugene J. Sullivan, Jr. (w/enc)
Commissioner Deirdre K. Manning (w/enc)

Investigation by the Department of Telecommunications
and Energy on its own Motion pursuant to G.L. c. 159,
§§ 12 and 16, into the collocation security policies of
Verizon New England Inc d/b/a Verizon Massachusetts

The Attorney General (“Attorney General”) files this answer in response to an April 23, 2002 joint motion by AT&T, Sprint, Global NAPs, Covad, Conversent, and Allegiance to suspend the procedural schedule and to create a task force to consider network security issues (“CLEC Motion”).

On January 24, 2002, in light of heightened security concerns after the events of September 11, 2001, the Department of Telecommunications and Energy (“Department”) opened an investigation into the collocation security policies of Verizon New England Inc. d/b/a Verizon Massachusetts (“Verizon”). The Department recognized that the catastrophic damage to Verizon's West Street facility in Manhattan caused by the tragedy vividly illustrated the consequences of losing a central office. The Department noted that, while not all risks are on par with such an event, it was incumbent upon the Department to review its earlier findings

concerning Verizon collocation security issues.¹ The Department indicated that its “intent is to determine whether certain of our policies should be modified to ensure that reliable service to competing telecommunications service providers, businesses, and residents of the Commonwealth is not unreasonably at risk.” January 24 Order, p. 6. The Department stated that it “will determine whether Verizon's security policies meet the statutory standard for ‘just, reasonable, safe, adequate and proper regulations and practices’.” G. L. c. 159, § 16. *Id.*

Specifically, this investigation will include, but not be limited to, an examination of the following issues: (1) the extent and nature of appropriate access by personnel of other carriers to Verizon's central offices and other facilities for accessing collocation sites; (2) whether cageless collocation arrangements remain an acceptable security risk; (3) the adequacy of security measures implemented in Verizon's central offices and other facilities, focusing on preventive, rather than "after-the-fact," measures; and (4) any other related security issues.

January 24 Order, p. 7.

On April 5, 2002, Verizon filed its proposed Collocation Security Plan (“Plan”). On April 23, 2002, AT&T, Sprint, Global NAPs, Covad, Conversent, and Allegiance (collectively “CLECs”) filed a motion (“CLEC Motion”) requesting that the Department suspend the procedural schedule and create an Industry Task Force to address network security issues.

II. ARGUMENT

The Attorney General, as chief law enforcement officer of Commonwealth, commends

¹ *Teleport Petition*, D.T.E. 98-58, Order (July 30, 1999), p. 26, n. 20 (noting that the FCC had reversed the DTE’s rules that forbade cageless collocation); *Verizon M.D.T.E. No. 17*, D.T.E. 98-57, Order (March 24, 2000), pp. 24-39 (requiring Verizon to address collocation security issues); *Verizon M.D.T.E. No. 17*, D.T.E. 98-57, Phase I Order on Motions for Reconsideration (September 7, 2000), p. 14, n. 12 (denying the requirement of escorts based on the record).

the Department for recognizing that it is necessary, in light of September 11th events, to review previous findings concerning Verizon collocation security issues. The Attorney General supports the Department's decision that a review of the telecommunication network security measures is necessary to safeguard the networks from tampering in order to ensure reliable telecommunications service to customers.

The Attorney General supports the idea that settlement discussions should take place among the parties.² Network security is a matter that can be examined cooperatively through discussions with all parties to this proceeding. The goal of these discussions should be to file for Department approval a plan for increasing network security consistent with the concerns raised in the Department's January 24 Order.

The Attorney General, however, does not support a suspension of the procedural schedule. Although the CLECs' Motion goes to great lengths to criticize Verizon's security proposals, they do not offer any alternatives to address the Department's concerns. The Department should maintain the existing procedural schedule, requiring the CLECs to file testimony on May 10, 2002, and allowing the parties to conduct discovery on such testimony. This information will help narrow the issues and assist in the ongoing settlement discussions. If progress is then being made in the settlement discussions, and an agreed resolution appears possible, the parties can file a motion with the Department postponing the scheduled hearings to allow time to finalize an agreement. The Attorney General does not support any delay in the resolution of this matter.

² To the extent that AT&T's request to form an Industry Task Force means that settlement discussions should take place between the parties to this proceeding, the Attorney General agrees with this request.

III. CONCLUSION

For the foregoing reasons, the Attorney General requests that the Department order the parties to commence good faith settlement discussions and to reject any attempt to suspend the procedural schedule at this time.

Respectfully Submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

by: Joseph W. Rogers
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Dated: May 1, 2002

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Investigation by the Department of Telecommunications and Energy on) its own motion, pursuant to G.L. c. 159, §§ 12 and 16, into the collocation) security policies of Verizon New England, Inc., d/b/a Verizon) Massachusetts)	D.T.E. 02-8
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding by either hand delivery, mail, and/or e-mail.

Dated at Boston this 1st day of May 2002.

	Karlen J. Reed Assistant Attorney General Utilities Division 200 Portland Street, 4th Floor Boston, MA 02114 (617) 727-2200
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